

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ESTECH SYSTEMS IP, LLC,

Plaintiff,

v.

MITEL NETWORKS, INC.,

Defendant.

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Case No. 2:21-CV-00473-JRG-RSP
(Lead Case)

ORDER

Defendants Fiserv Inc. and Fiserv Solutions, LLC. (collectively “Fiserv”) previously moved to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim of direct infringement, pre-suit indirect infringement, and pre-suit willful infringement. (Dkt. No. 67.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 178), recommending that the motion be denied.

Given that no objection has been filed and for the sound reasons set forth in the Report and Recommendation, the Court **ADOPTS** the Report and Recommendation. It is therefore **ORDERED** that the motion to dismiss (Dkt. No. 67) is **DENIED**.

So ORDERED and SIGNED this 2nd day of November, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE